



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Tita LaGrimas
Tradebe Treatment and Recycling, LLC
VP Regulatory Affairs and Sustainability
Tita.LaGrimas@tradebe.com

Re: Finding of Violation
Tradebe Treatment and Recycling, LLC
East Chicago, Indiana

Dear Tita LaGrimas:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Tradebe Treatment and Recycling (Tradebe or you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating or have violated 40 C.F.R. Part 60, Subpart A, Part 61, Subpart FF, and Part 63, Subpart A, at your East Chicago, Indiana facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Jason Schenandoah. You may call him at (312) 886-9506 or email him at schenandoah.jason@epa.gov to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Nathan Frank
Supervisor, Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Janusz Johnson, Chief
Air Compliance Branch
Office of Air Quality
Indiana Department of Environmental Management
JJOHNSON@idem.IN.gov

4. Pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b), EPA designates HAPs which present or may present a threat of adverse effects to human health or the environment.

NSPS for General Provisions at 40 C.F.R. Part 60, Subpart A

5. Part 60, Subpart A at 40 C.F.R. § 60.18(a) states that provisions in this section apply to control devices used to comply with applicable subparts of 40 C.F.R. Part 61. The requirements are placed in these General Provisions for administrative convenience (i.e., apply to both NSPS and NESHAP facilities covered by subparts referring to this section).

6. Part 60, Subpart A at 40 C.F.R. § 60.18(c)(1) states, “[f]lares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

7. Part 60, Subpart A at 40 C.F.R. § 60.18(f)(1) states, “Method 22 of appendix A to this part shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.”

NESHAP for General Provisions at 40 C.F.R. Part 63, Subpart A

8. Part 63, Subpart A at 40 C.F.R. § 63.11(a)(2) indicates that this section contains requirements for control devices used to comply with applicable subparts of this part. The requirements are placed in these General Provisions for administrative convenience and apply only to facilities covered by subparts referring to this section.

9. Part 63, Subpart A at 40 C.F.R. § 63.11(b)(1) states, “owners or operators using flares to comply with the provisions of this part shall monitor these control devices to assure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.”

10. Part 63, Subpart A at 40 C.F.R. § 63.11(b)(4) states, “flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test Method 22 in appendix A of part 60 of this chapter shall be used to determine the compliance of flares with the visible emission provisions of this part. The observation period is 2 hours and shall be used according to Method 22.”

NESHAP for Off-Site Waste and Recovery Operations at 40 C.F.R. Part 63, Subpart DD (Subpart DD)

11. The provision at 40 C.F.R. § 63.680(f) states that the provisions of 40 C.F.R. Part 63, Subpart A, General Provisions that apply to Subpart DD are specified in Table 2 of Subpart DD.

12. Table 2 of Subpart DD states that 40 C.F.R. § 63.11 applies to sources subject to Subpart DD.

NESHAP for Benzene Waste Operations at 40 C.F.R. Part 61, Subpart FF (Subpart FF)

13. The provision at 40 C.F.R. § 61.349(a)(2)(iii) states that flares shall comply with the requirements of 40 C.F.R. § 60.18.

NESHAP for Organic Liquids Distribution (Non-Gasoline) at 40 C.F.R. Part 63, Subpart EEEE (Subpart EEEE)

14. The provision at 40 C.F.R. § 63.2398 states “[t]able 12 to this subpart shows which parts of the General Provisions in §§ 63.1 through 63.15 apply to you.”

15. Table 12 of Subpart EEEE states 40 C.F.R. § 63.11(b) applies to sources subject to Subpart EEEE.

Finding of Facts

16. Tradebe owns and operates a stationary source at 4343 Kennedy Ave, East Chicago, Indiana (the Facility).

17. Tradebe uses a flare (the Flare) to control emissions from various emission sources.

18. On July 12, 2021, Tradebe received Title V permit number 089-43696-00345, for operations at the Facility (the Title V Permit).

19. The Title V Permit lists the Flare as unit FL1.

20. The Title V Permit lists several emission units subject to Subpart DD, Subpart FF, Subpart EEEE, or a combination of these Subparts, as sources required to have emissions controlled by FL1.

21. On July 13, 2022, August 2, 2022, August 3, 2022, and October 3, 2022, EPA observed visible emissions from FL1, and conducted Test Method 22 (Method 22 Observations).

22. EPA’s Method 22 Observations conducted on the dates specified in paragraph 21 determined that visible emissions from FL1 were present for greater than a total of 5 minutes during any 2 consecutive hours.

Violations

23. In violation of 40 C.F.R. § 60.18(c)(1), Tradebe failed to design and operate FL1 with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours, on July 13, 2022, August 2, 2022, August 3, 2022, and October 3, 2022.

24. In violation of 40 C.F.R. § 61.349(a)(2)(iii), Tradebe failed to design and operate FL1 with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours, on July 13, 2022, August 2, 2022, August 3, 2022, and October 3, 2022.

25. In violation of 40 C.F.R. § 63.11(b)(4), Tradebe failed to design and operate FL1 with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours, on July 13, 2022, August 2, 2022, August 3, 2022, and October 3, 2022.

Environmental Impact of Violations

26. These violations have caused or can cause excess emissions of VOCs.

27. VOCs are photochemical oxidants associated with a number of detrimental health effects, which include birth defects and cancer, as well as environmental and ecological effects. In the presence of sunlight, VOCs are influenced by a variety of meteorological conditions and have the ability to create photochemical smog. VOCs react with oxygen in the air to produce ground-level ozone.

28. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

